

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

GARY TIPTON,

Plaintiff,

:

v.

**Case No. 2:22-cv-02854
Judge Sarah D. Morrison
Magistrate Judge Chelsey M.
Vascura**

**OHIO STATE UNIVERSITY
WEXNER MEDICAL CENTER, *et
al.*,**

:

Defendants.

ORDER

This matter is before the Court on the December 7, 2022 Report and Recommendation issued by the Magistrate Judge. (ECF No. 17.) The Magistrate Judge recommended that the Court dismiss Mr. Tipton's Amended Complaint (ECF No. 15) pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1) for failure to state a claim on which relief may be granted. (*Id.*) The time for filing objections has passed, and no objections have been filed. For the reasons set forth therein, the Court **ADOPTS** and **AFFIRMS** the Report and Recommendation (ECF No. 17) and **DISMISSES** the Amended Complaint pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

Mr. Tipton also previously filed a Motion for a Preliminary Injunction to require Ohio Department of Rehabilitation and Correction to treat his hernia. (ECF No. 3.) That Motion is **DENIED AS MOOT** because neither ODRC nor its employees remain as defendants, Mr. Tipton's hernia has been repaired (*see Am.*

Compl., ECF No. 15, ¶ 18), and the Amended Complaint has now been dismissed. (ECF No. 3.)

The Clerk is **DIRECTED** to **TERMINATE** this case from the docket.

IT IS SO ORDERED.

/s/ Sarah D. Morrison

SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE